

EXHIBIT 9

1 THE UNITED STATES SECURITIES AND EXCHANGE COMMISSION

2
3 In the Matter of:)

4) File No. HO-14036-A

5 DEEPROOT 575 FUND, LLC)

6
7 WITNESS: Robert Mueller

8 PAGES: 288 through 387

9 PLACE: Securities and Exchange Commission

10 100 F Street NE

11 Washington, D.C.

12 DATE: Thursday, June 24, 2021

13
14 The above-entitled matter came on for hearing,
15 via WebEx, pursuant to notice, at 9:03 a.m.

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22
23
24 Diversified Reporting Services, Inc.

25 (202)467-9200

1 SEC-Americus, A-M-E-R-I-C-U-S, dash E, dash 0000001
2 through 4.

3 (Mueller Exhibit 91 was marked for
4 identification.)

5 Q Are you able to see Exhibit 91, sir?

6 A Yes.

7 Q And Exhibit 91 is a four-page document that
8 bears a heading on the top center of the first page
9 Americus Diamond 12362 I-H 10 West in San Antonio,
10 Texas. And sir, I'll give you a moment to scroll
11 through the four pages of Exhibit 91.

12 A Okay.

13 Q Sir, do you recognize Exhibit 91?

14 A It appears to be for a ring purchase.

15 Q And why do you say that?

16 A Because that's what it shows.

17 Q On or about December 15th, 2018, you paid
18 James Van Winkle of Americus Diamond \$6,247.11 for
19 jewellery again using the American Express card of
20 National Wealth Solutions. Correct?

21 MR. PRITIKIN: Objection. That assumes
22 facts not in evidence.

23 A I don't know who James Winkle [sic] is.
24 Americus Diamond. I do remember I bought a diamond. It
25 does look like it says American Express.

1 Q And Mr. Van Winkle, an officer of Americus
2 Diamond, and the reason why I mention his name is
3 because the charge has variously shown as being to him
4 or to Americus Diamond. So let me ask a fresh question.
5 On or about December 15th, 2018 you paid Americus
6 Diamond \$6,247.11 for jewellery. Correct?

7 MR. PRITIKIN: Objection.

8 A I appears so, yes.

9 Q And again, you used the American Express
10 card of National Wealth Solutions.

11 A I don't recall on that. It says American
12 Express.

13 Q Who was the jewellery for?

14 A The best I can remember, around that time
15 period it was for my current wife, Kristi.

16 Q And you married her approximately two
17 months after this purchase. Correct?

18 A I believe it was more than that, but it was
19 in early 2019 that we got married as talked about on the
20 record.

21 Q And can you scroll to the description of
22 the jewellery you purchased?

23 A Okay.

24 Q And the description says it's a lady's
25 engagement ring. Correct?

1 A Yes. That is in the description. Lady's
2 engagement ring.

3 Q In fact, on January 12th, on or about
4 January 12th of 2019 you charged another \$2,802.59 to
5 Americus Diamond. Correct?

6 A I do not verify -- I'm sorry. Do not
7 remember that.

8 Q This over \$9,000 in jewellery reflects
9 personal expenses. Correct?

10 A I don't know.

11 Q These expenses were paid using Deeproot
12 company money. Correct?

13 A I refuse to answer. I invoke my right to
14 protection under -- against self-incrimination under
15 the Fifth Amendment.

16 Q Sir, we are not authorized to compel you to
17 give evidence or testimony as to which you assert your
18 privilege against self-incrimination pursuant to the
19 Fifth Amendment of the United States -- to the United
20 States Constitution and we have no intention of doing
21 so. We also do not have the authority to compel your
22 testimony by granting you immunity from prosecution.
23 Any question that we ask hereafter will be with the
24 understanding that if you wish to assert your privilege
25 against self-incrimination you need merely state that

1 you refuse to answer on the grounds that your answer may
2 tend to incriminate you. In other words, you are not
3 compelled to answer any further questions if you believe
4 that a truthful answer to the question might show that
5 you have committed a crime and you wish to assert your
6 privilege against self-incrimination under the Fifth
7 Amendment to the United States Constitution.

8 Accordingly, if you answer questions you will be doing
9 so voluntarily. Do you understand all this?

10 A Don't agree with all the language, but I do
11 understand it.

12 Q You should be aware that if you refuse to
13 answer a question based on your Fifth Amendment
14 privilege, a judge or a jury may take an adverse
15 inference against you in a civil action that the SEC may
16 determine to bring against you. That means that the
17 judge or jury would be permitted to infer that your
18 answer to the question might incriminate you. Do you
19 understand?

20 A I heard what you said.

21 Q Mr. Mueller, this is not the only jewellery
22 that you've purchased from Americus Diamond. Correct?

23 MR. PRITIKIN: Objection.

24 A I don't know.

25 Q You bought jewellery from Americus Diamond

1 for your second wife. Leah. Correct?

2 A I don't remember.

3 Q Sir, I am now showing what has been marked
4 as Exhibit 92. And Exhibit 92 bears the Bates number
5 SEC-Americus-E0000005 through 8. America -- Exhibit 92
6 is another four page document. It also says Americus
7 Diamond on the top center of the front page. It also
8 has the address 12362 IH 10 West in San Antonio, Texas.

9 (Mueller Exhibit 92 was marked for
10 identification.)

11 Q Sir, do you recognize Exhibit 92?

12 A I'm looking through it.

13 Q Please take your time.

14 A It appears to be again a purchase for
15 jewellery, Americus Diamond, around the time that --
16 that I was engaged to Leah as you mentioned.

17 Q And at the bottom of page 2, it
18 specifically gives the name of Ms. Leah Nelson.
19 Correct? Near the description of the jewellery. I'm
20 sorry. I spoke over you. I apologize.

21 A I do see that.

22 Q You do see where it says Leah Nelson in
23 Exhibit 92?

24 A Yes.

25 Q And on or about the next day, December

1 15th, you charged another \$2,976.88 on the National
2 Wealth Solutions card at Americus Diamond. Correct?

3 MR. PRITIKIN: Objection.

4 A I don't know. That's not shown on this
5 exhibit.

6 Q This exhibit shows that on December 14th,
7 2015, you charged \$5,351.88 using the American Express
8 card of NWS at Americus Diamond. Correct?

9 MR. PRITIKIN: Objection.

10 A It appears to be that amount and it says
11 American Express on it.

12 Q This jewellery was purchased using Deeproot
13 company money. Correct?

14 A I refuse to answer. I invoke the right
15 against self-incrimination under the Fifth Amendment.

16 Q Sir, I'm now showing you what's been marked
17 as Exhibit 93.

18 (Mueller Exhibit 93 was marked for
19 identification.)

20 Q And sir, Exhibit 93 bears the Bates range
21 SEC-RFPA-AMEX-E-0002809 through 29 and it is another
22 American Express duplicate copy account statement of the
23 credit card of National Wealth Solutions ending in
24 4251001. Sir, do you recognize Exhibit 93?

25 A Appears to be a duplicate copy of an Amex

1 statement.

2 Q Do you have any reason to question the
3 authenticity of this account statement?

4 A It appears to be what it is.

5 Q Sir, can I direct your attention to page 6
6 of 21?

7 A Okay.

8 Q I'd like to direct your attention to an
9 entry on or about February 15 of 2016 for \$4,845.37.

10 A Okay.

11 Q Do you see that entry, sir?

12 A Yes.

13 Q So, sir, on or about February 15th, 2016,
14 you charged to the NWS Amex card \$4,845.37 to Wolf
15 Weddings & Events. Correct?

16 MR. PRITIKIN: Objection.

17 A I see that that's listed here on the
18 statement.

19 Q Wolf Weddings & Events is a full-service
20 wedding company in San Antonio. Correct?

21 A I don't know. I assume so.

22 Q And also, on or about January 22nd, 2016,
23 you had earlier charged money for Wolf Weddings &
24 Events. Correct?

25 MR. PRITIKIN: Objection.

1 A Are you asking me to looking or are you
2 just asking me the question?

3 Q I'm just asking you the question, sir.

4 A I don't know.

5 Q All in all, you spent -- you charged
6 \$7,795.37 in expenses at Wolf Weddings & Events.
7 Correct?

8 MR. PRITIKIN: Objection.

9 A I don't know.

10 Q These expenses were for your wedding to
11 your second wife Leah in -- these expenses were for your
12 wedding to your second wife Leah. Correct?

13 MR. PRITIKIN: Objection.

14 A Would appear to be around that time.

15 Q And you married Ms. Leah Nelson in February
16 of 2016. Correct?

17 A To the best of my memory, yes.

18 Q You paid these expenses for Wolf Weddings &
19 Events with Deeproot company money. Correct?

20 MR. PRITIKIN: Objection.

21 A I refuse to answer. I invoke my right to
22 -- against self-incrimination within the Fifth
23 Amendment.

24 Q Sir, I'm now going to display what has been
25 marked as Exhibit 94. Exhibit 94 bears the Bates range

1 SEC-RFPA-E-0003081 through 89.

2 (Mueller Exhibit 94 was marked for
3 identification.)

4 Q Sir, can you see Exhibit 94 now?

5 A I can.

6 Q Exhibit 94 is another duplicate copy of an
7 American Express card statement for the National Wealth
8 Solutions credit card ending in 4 to 51001. It has a
9 closing date of 04/07/17. And, Mr. Mueller, do you
10 recognize Exhibit 94?

11 A Not specifically. It appears to again look
12 like all the others to be a duplicate copy of an Amex
13 statement for that time period.

14 Q I'd like to direct your attention to page 5
15 of 9, sir.

16 A Okay.

17 Q And I'd like to direct your attention to
18 charges on or about March 30th of 2017 for British
19 Airways. Do you see those charges?

20 A I see them.

21 Q Sir, on or about March 30th of 2017 you
22 charged \$2,960.41 to British Airways. Correct?

23 MR. PRITIKIN: Objection.

24 A I see that number on the statement.

25 Q And on that -- on or about March 30th of

1 2017 you also charged \$2,507.33 to British Airways.

2 Correct?

3 MR. PRITIKIN: Objection.

4 A I do see that amount listed.

5 Q And this American Express card statement
6 shows that you purchased airline flights to London in
7 the name of you and your child. Correct?

8 MR. PRITIKIN: Objection.

9 A I don't know.

10 Q Sir, did you travel to London on British
11 Airways or a British Airways affiliated carrier with
12 your daughter?

13 A And I've travelled before with my daughter
14 on British Airways. I don't recall this specific trip.

15 Q Sir, between September 2016 and March of
16 2017, in fact, you used the American Express card in the
17 name of National Wealth Solutions to pay over \$13,000 to
18 British Airways. Correct?

19 MR. PRITIKIN: Objection.

20 A I don't know.

21 Q But these were personal travel expenses
22 which were paid for using Deeproot company money.
23 Correct?

24 A I refuse to answer. I invoke my right
25 against self-incrimination under the Fifth Amendment.

1 Q Now, sir, by Deeproot company money, I'm
2 referring to money from a bank account held in the name
3 of any business of the Deeproot family of businesses.
4 Do you understand that?

5 A I understand you saying that.

6 Q And in particular, I'm referring to money
7 that originated from investor contributions to the DGRD
8 fund or the 575 Fund. Do you understand that?

9 A I understand that that's what you're doing.

10 Q My explaining that, does that cause you to
11 change any of the answers you've given so far?

12 A I think that my answers stand as is.

13 Q Thank you, sir. Let's go to Exhibit 95.

14 (Mueller Exhibit 95 was marked for
15 identification.)

16 Q Sir, I'm showing now Exhibit 95 which bears
17 the Bates range SEC-RFPA-AMEX-E-0003067 through 79. And
18 this is another duplicate copy of an American Express
19 credit card statement for the National Wealth Solutions
20 credit card account ending in 4251001.

21 Sir, do you recognize Exhibit 95?

22 A Not especially, but it appears to be a
23 duplicate copy of an Amex statement from that time
24 period.

25 Q Sir, may I please direct your attention to

1 page 6 of 13?

2 A Okay.

3 Q I'd like to direct your attention to
4 charges on or about February 11th of 2017 to Disney
5 Cruise Lines.

6 Do you see those charges?

7 A Yes.

8 Q Sir, on or about February 11th, 2017 you
9 used the Amex card of National Wealth Solutions to
10 charge \$6,637.61 and separately \$8,953.08 to Disney
11 Cruise Lines.

12 Is that correct?

13 MR. PRITIKIN: Objection.

14 A I see both of those amounts there on the
15 charge lines.

16 Q Sir, in fact, between April of 2016 and
17 February of 201 you used the Amex card of National
18 Wealth Solutions, NWS, to charge over \$26,000 for Disney
19 Cruise Lines. Correct?

20 A I don't know.

21 Q In fact, you also used the American Express
22 card in the name of Policy Services Inc. between June
23 2017 and March 2019 to pay over \$28,000 to Disney Cruise
24 Lines. Correct?

25 MR. PRITIKIN: Objection.

1 A I don't know.

2 Q These expenditures to Disney Cruise Lines
3 were personal travel for you and your family. Correct?

4 A I don't know.

5 Q This personal travel was paid for with
6 Deeproot company money. Correct?

7 MR. PRITIKIN: Objection.

8 A I refuse to answer. I invoke my right
9 against self-incrimination under the Fifth Amendment.

10 Q Sir, between March of 2016 and March of
11 2019 you also used the Amex card of National Wealth
12 Solutions to pay over \$15,000 to Princess Cruise Lines.
13 Correct?

14 MR. PRITIKIN: Objection.

15 A I don't know.

16 Q This was personal travel. Correct?

17 A I don't know.

18 Q These charges to Princess Cruise Lines were
19 paid for with Deeproot company money. Correct?

20 MR. PRITIKIN: Objection.

21 A I refuse to answer. I invoke the right --
22 sorry. I invoke my right against self-incrimination
23 under the Fifth Amendment.

24 Q Sir, on or about February 5th, 2018, you
25 charged 7,000 -- over \$7,500 to cruises and more using

1 the NWS Amex card. Correct?

2 MR. PRITIKIN: Objection. Paul, do you
3 have a document you're referencing?

4 Q So I have lots of documents.

5 MR. PRITIKIN: Okay. If you want to ask
6 the question on a document I ask that you put it up.

7 Q Mr. Mueller, have you ever reimbursed any
8 Deeproot or Deeproot-affiliated entity for any of the
9 charges we've discussed on these American Express cards?

10 A I don't know.

11 Q Have you ever reimbursed any entity in the
12 Deeproot family of businesses for the money we've
13 discussed to the Utah Jazz or the payments concerning
14 the Hawaii condominium?

15 A I don't know.

16 MR. BOHR: Can we go off the record?

17 MR. PRITIKIN: Sure.

18 MR. BOHR: Let's go off the record at
19 12:07.

20 (Whereupon a discussion was held off the
21 record.)

22 MR. BOHR: Let's go back on the record at
23 12:17.

24 BY MR. BOHR:

25 Q Mr. Mueller, do you understand you're still

1 under oath?

2 A I do.

3 Q And can you confirm that the SEC and you
4 had no substantive discussions while we were off the
5 record?

6 A Yes.

7 Q Thank you, sir. Sir, I'd like to ask you a
8 question and before I ask it, I want to make abundantly
9 clear that I'm not asking you for any privileged
10 communications or information. But I'd like to ask you
11 have you ever retained a lawyer named Rebecca Carrillo
12 for personal -- a personal legal representation?

13 A That name does not sound familiar.

14 Q It's Rebecca --

15 A I --

16 Q I'm sorry. What?

17 A So I apologize. I followed that up with I
18 don't recall.

19 Q So I'll spell the last name for the benefit
20 of the court reporter and in case it refreshes your
21 recollection. It's first name is Rebecca and the last
22 name is C-A-R-R-I-L-L-O. And she's a divorce lawyer.
23 Does that refresh your recollection, Mr. Mueller?

24 A No.

25 Q Sir, again, without asking for any

1 privileged communications or substance have you ever
2 retained a law firm with the name Wilson, Pennypacker &
3 Thomson for personal legal matters?

4 A I believe they handled one of my divorces.

5 Q Do you ever use them for a business-related
6 matter?

7 A Business was in actually -- I'm sorry. It
8 was two divorces and business matters were involved in
9 one of those.

10 Q A similar question. Again, without
11 requesting any privileged communications or substance
12 have you ever retained a law firm by the name of Banack
13 & Langley for any personal legal representation?

14 A It was personal and business to my best
15 recollection.

16 Q And for the benefit of the court reporter
17 that's B-A-N-A-C-K, ampersand, L-A-N-G-L-E-Y. Did you
18 use Deeproot company money to pay for personal legal
19 representation from Wilson, Pennypacker & Thomson?

20 A I refuse to -- I refuse to respond or
21 answer.

22 I invoke my right against self-incrimination
23 under the Fifth Amendment.

24 Q Sir, did you use Deeproot company money to
25 pay for personal legal representation in the law firm of

1 Banack & Langley?

2 A I think it mischaracterizes my statement
3 but at this point, I refuse to answer beyond that. I
4 invoke my right against self-incrimination under the
5 Fifth Amendment.

6 Q Sir, if I ask you whether you used Deeproot
7 company money for any other expenditure at any time on
8 the credit card of National Wealth Solutions will you
9 continue to assert your Fifth Amendment privilege?

10 A Yes.

11 Q Sir, if I ask you whether you used Deeproot
12 company money for any credit card purchase on a credit
13 card in the name of Policy Services Inc. will you
14 continue to assert your Fifth Amendment privilege?

15 A Would you repeat that, please?

16 Q If I ask you whether you used Deeproot
17 company money for any purchase on a credit card in the
18 name of Policy Services will you continue to assert your
19 Fifth Amendment privilege?

20 A I will on some.

21 Q If I ask you whether you used Deeproot
22 company money for any purchases on a credit card of
23 Deeproot Tech will you continue to assert your Fifth
24 Amendment privilege?

25 A I may on some.

1 Q Sir, you used Deeproot company money to pay
2 for your daughter's educational expenses. Correct?

3 MR. PRITIKIN: Objection.

4 A Refuse to answer. I invoke my right
5 against self-incrimination under the Fifth Amendment.

6 Q Sir, you used Deeproot company money to pay
7 for medical expenses. Correct?

8 MR. PRITIKIN: Objection.

9 A I refuse to answer. I invoke my right
10 against self-incrimination under the Fifth Amendment.

11 Q Sir, you used Deeproot company money to pay
12 personal income tax bills. Correct?

13 MR. PRITIKIN: Objection.

14 A I refuse to answer. I invoke my right
15 against self-incrimination under the Fifth Amendment.

16 Q Sir, you used Deeproot company money to pay
17 for the condominium in Hawaii. Correct?

18 MR. PRITIKIN: Objection.

19 A I refuse to answer. I invoke my right
20 against self-incrimination under the Fifth Amendment.

21 Q Sir, you used Deeproot company money to pay
22 for the catering, photography, and wedding planning
23 expenses for your 2019 wedding. Correct?

24 MR. PRITIKIN: Objection.

25 A I refuse to answer. I invoke my right

1 against self-incrimination under the Fifth Amendment.

2 Q Mr. Mueller, before we conclude your
3 testimony do you wish to clarify anything or add
4 anything to the statements you have made over the course
5 of your testimony whether yesterday or today?

6 A Like for a chance to speak with my
7 attorneys before I answer that question.

8 Q Sure. We can go off the record. How long
9 do you need?

10 A A few minutes. Five minutes.

11 MR. BOHR: Five minutes. Okay. Let's go
12 off the record at 12:25.

13 (Whereupon a discussion was held off the
14 record.)

15 MR. BOHR: We're back on the record at
16 12:30.

17 BY MR. BOHR:

18 Q Mr. Mueller, do you understand you're still
19 under oath?

20 A I do.

21 Q And can you confirm that the SEC and you
22 had no substantive discussions while we were off the
23 record?

24 A Yes.

25 Q Thank you, sir. Mr. Mueller, when we went